

Appl. No. 09/629,553

Amdt. Dated 6/10/2005

Response to Office action dated 05/06/2005

### **REMARKS**

Claims 1-10 and 12-29 are pending. Claims 4, 14, 17-21 and 25 were allowed. No new matter has been added.

#### ***Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel***

Claims 1, 10 and 22 have been amended notwithstanding the belief that these claims were allowable. Except as specifically admitted below, no claim elements have been narrowed. Rather, cosmetic amendments have been made to the claims and to broaden them in view of the cited art. Claims 1, 10 and 22 have been amended solely for the purpose of expediting the patent application process, and the amendments were not necessary for patentability.

Any reference herein to "the invention" is intended to refer to the specific claim or claims being addressed herein. The claims of this Application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this Application, except for arguments specifically directed to the claim.

#### ***Claim Rejections - 35 USC § 103***

The Examiner rejected claims 1-3, 5-10, 12, 13, 15, 16, 22-24 and 26-29 under 35 USC § 103 as obvious from Tazoe et al. (USP 6,326,985) in view of Van Hoff et al. (USP 5,959,623). This rejection is respectfully traversed.

"To establish a *prima facie* case of obviousness, [. . .] the prior art reference (or references when combined) must teach or suggest all the claim limitations." *MPEP* 706.02(j).

Independent claims 1, 10 and 22 have been amended to include the features of allowed claims 4, 14, 17-21 and 25: "displaying the advertisement in accordance with a play list" and "pausing the

Appl. No. 09/629,553

Amdt. Dated 6/10/2005

Response to Office action dated 05/06/2005

play list if the user has not interacted with the local device with respect to the client application for a predetermined period of time." In current form, claims 1, 10 and 22 are in form for allowance.

By virtue of their dependence from claim 1, claims 2, 3, and 5-9 are patentable. By virtue of their dependence from claim 10, claims 12, 13, 15, and 16 are patentable. By virtue of their dependence from claim 22, claims 23, 24, and 26-29 are patentable.

### ***Conclusion***

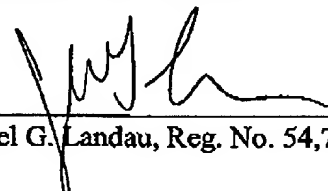
It is submitted, however, that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned attorney to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,

Date: June 10, 2005

  
Joel G. Landau, Reg. No. 54,732

SoCal IP Law Group LLP  
310 N. Westlake Blvd., Suite 120  
Westlake Village, CA 91362  
Telephone: 805/230-1350  
Facsimile: 805/230-1355  
email: info@socalip.com